

**Introduced by Senator Cannella**

February 10, 2014

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An act to amend Sections ~~17193.5, 17199.4, 17592.74, 32282, 35186, 35292.5, 41003.3, 44279.2, 44279.25, 44279.7, 44320, 44328, 47613.1, 47630, 47634.3, 47634.4, 47650, 47651, 48660, 60119, and 60851~~ of, ~~63000, 63001, and 64000~~ of, to amend the heading of Article 7 (commencing with Section 60117) of Chapter 1 of Part 33 of Division 4 of Title 2 of, to repeal Sections 315.5, 316.5, 317, 1982.3, 1982.5, 1983.5, 17584.3, 17586, 17588, 17592, 32285, ~~41376, 41378, 45037, 46306, 47613.2, 47630.5, 47633, 47634.1, 48660.2, 48663, and 48664~~ of, ~~60117, 60118, 62002, 62002.5, 62003, 62004, 62005, and 62005.5~~ of, to repeal Article 11 (commencing with Section 1830) of Chapter 6 of Part 2 of Division 1 of Title 1 of, to repeal Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of, to repeal Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of Division 3 of Title 2 of, to repeal Article 4 (commencing with Section 37252) of Chapter 2 of Part 22 of Division 3 of Title 2 of, to repeal Article 1 (commencing with Section 41500), Article 2 (commencing with Section 41505), Article 3 (commencing with Section 41510), Article 4 (commencing with Section 41520), Article 5 (commencing with Section 41530), and Article 7 (commencing with Section 41570) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to repeal Article 13 (commencing with Section 41920) of Chapter 5 of Part 24 of Division 3 of Title 2 of, to repeal Article 11 (commencing with Section 44380), Article 12 (commencing with Section 44390), and Article 13 (commencing with Section 44395) of Chapter 2 of Part 25 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 44500), Article 5 (commencing with Section 44520), Article 6

(commencing with Section 44560), ~~Article 7 (commencing with Section 44570)~~, Article 8 (commencing with Section 44580), Article 10 (commencing with Section 44630), ~~Article 10.5 (commencing with Section 44645)~~, and Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25 of Division 3 of Title 2 of, to repeal Article 8.5 (commencing with Section 45370) of Chapter 5 of Part 25 of Division 3 of Title 2 of, to repeal Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of Division 4 of Title 2 of, to repeal Article 4.5 (commencing with Section 52378), Article 5 (commencing with Section 52381), and Article 8 (commencing with Section 52480), and ~~Article 9 (commencing with Section 52485)~~ of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Article 4 (commencing with Section 52750) of Chapter 11 of Part 28 of Division 4 of Title 2 of, to repeal Article 1 (commencing with Section 52800) of Chapter 12 of Part 28 of Division 4 of Title 2 of, to repeal Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2 of, to repeal Article 3 (commencing with Section 60240) and Article 7 (commencing with Section 60350) of Chapter 2 of Part 33 of Division 4 of Title 2 of, to repeal Chapter 5.1 (commencing with Section 8820) of Part 6 of Division 1 of Title 1 of, to repeal Chapter 13 (commencing with Section 11200) and Chapter 17 (commencing with Section 11600) of Part 7 of Division 1 of Title 1 of, to repeal Chapter 2.5 (commencing with Section 37300) of Part 22 of Division 3 of Title 2 of, to repeal Chapter 3.3 (commencing with Section 44700), Chapter 3.33 (commencing with Section 44720), ~~Chapter 3.34 (commencing with Section 44730)~~, Chapter 3.36 (commencing with Section 44735), and Chapter 3.45 (commencing with Section 44755); and ~~Chapter 3.5 (commencing with Section 44760)~~ of Part 25 of Division 3 of Title 2 of, to repeal Chapter 6.8 (commencing with Section 52080), Chapter 6.9 (commencing with Section 52100), Chapter 6.10 (commencing with Section 52120), ~~Chapter 7 (commencing with Section 52130)~~, Chapter 8 (commencing with Section 52200), ~~Chapter 8.3 (commencing with Section 52240)~~, Chapter 8.5 (commencing with Section 52250), Chapter 8.6 (commencing with Section 52270), and Chapter 12.5 (commencing with Section 52920) of Part 28 of Division 4 of Title 2 of, to repeal ~~Chapter 1 (commencing with Section 54000)~~ and Chapter 2 (commencing with Section 54100) of Part 29 of Division 4 of Title 2 of, to repeal Chapter 5 (commencing with Section 58700) of Part 31 of Division 4 of Title 2 of, and to repeal Chapter 4

(commencing with Section 60500) of Part 33 of Division 4 of Title 2 of, the Education Code, relating to school finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 971, as amended, Cannella. School finance: categorical programs.

Existing law establishes the public school system in this state, and, among other things, provides for the establishment of county superintendents of schools, school districts, and charter schools throughout the state and for ~~their~~ *the* provision of instruction at the public elementary and secondary schools these local educational agencies maintain. Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified.

Existing law establishes various education programs under which funding is provided for specific educational purposes, which are commonly known as categorical programs, including, among many others, programs for community-based English tutoring, teacher training, and class size reduction. Existing law further authorizes local educational agencies to expend, for any local educational purpose, the funds previously required to be spent on specified categorical education programs.

This bill would repeal many provisions requiring, authorizing, or prescribing the elements of certain categorical education ~~programs, and programs.~~ *The bill* would make conforming changes, correct cross-references, and make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 315.5 of the Education Code is repealed.
- 2 SEC. 2. Section 316.5 of the Education Code is repealed.
- 3 SEC. 3. Section 317 of the Education Code is repealed.
- 4 SEC. 4. Article 11 (commencing with Section 1830) of Chapter
- 5 6 of Part 2 of Division 1 of Title 1 of the Education Code is
- 6 repealed.
- 7 SEC. 5. Section 1982.3 of the Education Code is repealed.
- 8 SEC. 6. Section 1982.5 of the Education Code is repealed.

1 SEC. 7. Section 1983.5 of the Education Code is repealed.

2 ~~SEC. 8. Chapter 5.1 (commencing with Section 8820) of Part~~  
3 ~~6 of Division 1 of Title 1 of the Education Code is repealed.~~

4 ~~SEC. 9.~~

5 ~~SEC. 8. Chapter 13 (commencing with Section 11200) of Part~~  
6 ~~7 of Division 1 of Title 1 of the Education Code is repealed.~~

7 ~~SEC. 10.~~

8 ~~SEC. 9. Chapter 17 (commencing with Section 11600) of Part~~  
9 ~~7 of Division 1 of Title 1 of the Education Code is repealed.~~

10 ~~SEC. 11. Section 17193.5 of the Education Code is amended~~  
11 ~~to read:~~

12 ~~17193.5. (a) For purposes of this section, “public credit~~  
13 ~~provider” means any financial institution or combination of~~  
14 ~~financial institutions, that consists either solely, or has as a member~~  
15 ~~or participant, a public retirement system. Notwithstanding any~~  
16 ~~other law, a public credit provider, in connection with providing~~  
17 ~~credit enhancement for bonds, notes, certificates of participation,~~  
18 ~~or other evidences of indebtedness of a participating party, may~~  
19 ~~require the participating party to agree to the following conditions:~~

20 ~~(1) If a participating party adopts a resolution by a majority vote~~  
21 ~~of its board to participate under this section, it shall provide notice~~  
22 ~~to the Controller of that election. The notice shall include a~~  
23 ~~schedule for the repayment of principal and interest on the bonds,~~  
24 ~~notes, certificates of participation, or other evidence of~~  
25 ~~indebtedness and identify the public credit provider that provided~~  
26 ~~credit enhancement. The notice shall be provided not later than~~  
27 ~~the date of issuance of the bonds.~~

28 ~~(2) If, for any reason, a public credit provider is required to~~  
29 ~~make principal or interest payments, or both, pursuant to a credit~~  
30 ~~enhancement agreement, the public credit provider shall~~  
31 ~~immediately notify the Controller of that fact and of the amount~~  
32 ~~paid out by the public credit provider.~~

33 ~~(3) Upon receipt of the notice required by paragraph (2), the~~  
34 ~~Controller shall make an apportionment to the public credit~~  
35 ~~provider in the amount of the payments made by the public credit~~  
36 ~~provider for the purpose of reimbursing the public credit provider~~  
37 ~~for its expenditures made pursuant to the credit enhancement~~  
38 ~~agreement. The Controller shall make that apportionment only~~  
39 ~~from moneys designated for apportionments to a participating~~

1 party, provided that such moneys are from one or more of the  
2 following:

3 (A) Any funding apportioned for purposes of revenue limits or  
4 the local control funding formula pursuant to Section 42238.02,  
5 as implemented by Section 42238.03, to a school district or county  
6 office of education without regard to the specific funding source  
7 of the apportionment.

8 (B) Any general apportionments to a community college district  
9 without regard to the specific funding source of the apportionment.

10 (C) Any funding apportioned for purposes of the charter school  
11 block grant or the local control funding formula pursuant to Section  
12 42238.02, as implemented by Section 42238.03, to a charter school  
13 without regard to the specific funding source of the apportionment.

14 (b) The amount apportioned for a participating party pursuant  
15 to this section shall be deemed to be an allocation to the  
16 participating party and shall be included in the computation of  
17 allocation, limit, entitlement, or apportionment for the participating  
18 party. The participating party and its creditors do not have a claim  
19 to funds apportioned or anticipated to be apportioned to the trustee  
20 by the Controller pursuant to paragraph (3) of subdivision (a).

21 ~~SEC. 12.~~

22 *SEC. 10.* Section 17199.4 of the Education Code is amended  
23 to read:

24 17199.4. (a) Notwithstanding any other law, any participating  
25 party, in connection with securing financing or refinancing of  
26 projects, or working capital pursuant to this chapter, may elect to  
27 guarantee or provide for payment of the bonds and related  
28 obligations in accordance with the following conditions:

29 (1) If a participating party adopts a resolution by a majority vote  
30 of its board to participate under this section, it shall provide notice  
31 to the Controller of that election. The notice shall include a  
32 schedule for the repayment of principal and interest on the bonds,  
33 and any other costs necessary or incidental to financing pursuant  
34 to this chapter, and identify a trustee appointed by the participating  
35 party or the authority for purposes of this section. If payment of  
36 all or a portion of the principal and interest on the bond is secured  
37 by a letter of credit or other instrument of direct payment, the  
38 notice may provide for reimbursements to the provider of the  
39 instrument in lieu of payment of that portion of the principal and  
40 interest of the bonds. The notice shall be provided not later than

1 the date of issuance of the bonds or 60 days before the next  
2 payment, whichever date is later. The participating party shall  
3 update the notice at least annually if there is a change in the  
4 required payment for any reason, including, but not limited to,  
5 providing for new or increased costs necessary or incidental to the  
6 financing.

7 (2) If, for any reason, the participating party will not make a  
8 payment at the time the payment is required, the participating party  
9 shall notify the trustee of that fact and of the amount of the  
10 deficiency. If the trustee receives this notice from the participating  
11 party, or does not receive any payment by the date that payment  
12 becomes due, the trustee shall immediately communicate that  
13 information to the Controller.

14 (3) Upon receipt of the notice required by paragraph (2), the  
15 Controller shall make an apportionment to the trustee on the date  
16 shown in the schedule in the amount of the deficiency for the  
17 purpose of making the required payment. The Controller shall  
18 make that apportionment only from moneys designated for  
19 apportionment to a participating party, provided that such moneys  
20 are from one or more of the following:

21 (A) Any funding apportioned for purposes of revenue limits or  
22 the local control funding formula pursuant to Section 42238.02,  
23 as implemented by Section 42238.03, to a school district or county  
24 office of education without regard to the specific funding source  
25 of the apportionment.

26 (B) Any funding apportioned for purposes of the charter school  
27 block grant or the local control funding formula pursuant to Section  
28 42238.02, as implemented by Section 42238.03, to a charter school  
29 without regard to the specific funding source of the apportionment.

30 (4) As an alternative to the procedures set forth in paragraphs  
31 (2) and (3), the participating party may provide a transfer schedule  
32 in its notice to the Controller of its election to participate under  
33 this section. The transfer schedule shall set forth amounts to be  
34 transferred to the trustee and the date for the transfers. The  
35 Controller, subject to the limitation in paragraph (3), shall make  
36 apportionments to the trustee of those amounts on the specified  
37 date for the purpose of making those transfers. The authority may  
38 require a participating party to proceed under this subdivision.

39 (b) The amount apportioned for a participating party pursuant  
40 to this section shall be deemed to be an allocation to the

1 participating party and shall be included in the computation of  
2 allocation, limit, entitlement, or apportionment for the participating  
3 party.

4 The participating party and its creditors do not have a claim to  
5 funds apportioned or anticipated to be apportioned to the trustee  
6 by the Controller pursuant to paragraph (3) and (4) of subdivision  
7 (a), or to the funds apportioned to by the Controller to the trustee  
8 under any other provision of this section.

9 (c) (1) Participating parties that elect to participate under this  
10 section shall apply to the authority. The authority shall consider  
11 each of the following priorities in making funds available:

12 (A) First priority shall be given to school districts, charter  
13 schools, or county offices of education that apply for funding for  
14 instructional classroom space.

15 (B) Second priority shall be given to school districts, charter  
16 schools, or county offices of education that apply for funding of  
17 modernization of instructional classroom space.

18 (C) Third priority shall be given to all other eligible costs, as  
19 defined in Section 17173.

20 (2) The authority shall prioritize applications at appropriate  
21 intervals.

22 (3) A school district electing to participate under this section  
23 that has applied for revenue bond moneys for purposes of joint  
24 venture school facilities construction projects, pursuant to Article  
25 5 (commencing with Section 17060) of Chapter 12, shall not be  
26 subject to the priorities set forth in paragraph (1).

27 (d) This section shall not be construed to make the State of  
28 California liable for any payments within the meaning of Section  
29 1 of Article XVI of the California Constitution or otherwise, except  
30 as expressly provided in this section.

31 (e) A school district that has a qualified or negative certification  
32 pursuant to Section 42131, or a county office of education that has  
33 a qualified or negative certification pursuant to Section 1240, may  
34 not participate under this section.

35 ~~SEC. 13.~~

36 *SEC. 11.* Section 17584.3 of the Education Code is repealed.

37 ~~SEC. 14.~~

38 *SEC. 12.* Section 17586 of the Education Code is repealed.

39 ~~SEC. 15.~~

40 *SEC. 13.* Section 17588 of the Education Code is repealed.

1     ~~SEC. 16.~~

2     ~~SEC. 14.~~ Section 17592 of the Education Code is repealed.

3     ~~SEC. 17.~~

4     ~~SEC. 15.~~ Section 17592.74 of the Education Code is amended  
5 to read:

6     17592.74. Notwithstanding any other law, the funds provided  
7 to school districts from the School Facilities Emergency Repair  
8 Account pursuant to this article for the purpose of emergency repair  
9 grants shall not be deposited into a school district deferred  
10 maintenance fund for purposes established pursuant to Section  
11 17582.

12     ~~SEC. 18. Article 3.6 (commencing with Section 32228) of~~  
13 ~~Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code~~  
14 ~~is repealed.~~

15     ~~SEC. 19.~~

16     ~~SEC. 16.~~ Section 32282 of the Education Code is amended to  
17 read:

18     32282. (a) The comprehensive school safety plan shall include,  
19 but not be limited to, both of the following:

20     (1) Assessing the current status of school crime committed on  
21 school campuses and at school-related functions.

22     (2) Identifying appropriate strategies and programs that will  
23 provide or maintain a high level of school safety and address the  
24 school's procedures for complying with existing laws related to  
25 school safety, which shall include the development of all of the  
26 following:

27     (A) Child abuse reporting procedures consistent with Article  
28 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of  
29 Part 4 of the Penal Code.

30     (B) Disaster procedures, routine and emergency, including  
31 adaptations for pupils with disabilities in accordance with the  
32 federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec.  
33 12101 et seq.). The disaster procedures shall also include, but not  
34 be limited to, both of the following:

35     (i) Establishing an earthquake emergency procedure system in  
36 every public school building having an occupant capacity of 50  
37 or more pupils or more than one classroom. A school district or  
38 county office of education may work with the Office of Emergency  
39 Services and the Seismic Safety Commission to develop and



1 establish the earthquake emergency procedure system. The system  
2 shall include, but not be limited to, all of the following:

3 (I) A school building disaster plan, ready for implementation  
4 at any time, for maintaining the safety and care of pupils and staff.

5 (II) A drop procedure whereby each pupil and staff member  
6 takes cover under a table or desk, dropping to his or her knees,  
7 with the head protected by the arms, and the back to the windows.

8 A drop procedure practice shall be held at least once each school  
9 quarter in elementary schools and at least once a semester in  
10 secondary schools.

11 (III) Protective measures to be taken before, during, and  
12 following an earthquake.

13 (IV) A program to ensure that pupils and both the certificated  
14 and classified staff are aware of, and properly trained in, the  
15 earthquake emergency procedure system.

16 (ii) Establishing a procedure to allow a public agency, including  
17 the American Red Cross, to use school buildings, grounds, and  
18 equipment for mass care and welfare shelters during disasters or  
19 other emergencies affecting the public health and welfare. The  
20 school district or county office of education shall cooperate with  
21 the public agency in furnishing and maintaining the services as  
22 the school district or county office of education may deem  
23 necessary to meet the needs of the community.

24 (C) Policies pursuant to subdivision (d) of Section 48915 for  
25 pupils who committed an act listed in subdivision (c) of Section  
26 48915 and other school-designated serious acts which would lead  
27 to suspension, expulsion, or mandatory expulsion recommendations  
28 pursuant to Article 1 (commencing with Section 48900) of Chapter  
29 6 of Part 27 of Division 4 of Title 2.

30 (D) Procedures to notify teachers of dangerous pupils pursuant  
31 to Section 49079.

32 (E) A discrimination and harassment policy consistent with the  
33 prohibition against discrimination contained in Chapter 2  
34 (commencing with Section 200) of Part 1.

35 (F) The provisions of any schoolwide dress code, pursuant to  
36 Section 35183, that prohibits pupils from wearing “gang-related  
37 apparel,” if the school has adopted that type of a dress code. For  
38 those purposes, the comprehensive school safety plan shall define  
39 “gang-related apparel.” The definition shall be limited to apparel  
40 that, if worn or displayed on a school campus, reasonably could

1 be determined to threaten the health and safety of the school  
2 environment. Any schoolwide dress code established pursuant to  
3 this section and Section 35183 shall be enforced on the school  
4 campus and at any school-sponsored activity by the principal of  
5 the school or the person designated by the principal. For purposes  
6 of this paragraph, “gang-related apparel” shall not be considered  
7 a protected form of speech pursuant to Section 48950.

8 (G) Procedures for safe ingress and egress of pupils, parents,  
9 and school employees to and from school.

10 (H) A safe and orderly environment conducive to learning at  
11 the school.

12 (I) The rules and procedures on school discipline adopted  
13 pursuant to Sections 35291 and 35291.5.

14 (b) It is the intent of the Legislature that schools develop  
15 comprehensive school safety plans using existing resources,  
16 including the materials and services of the partnership, pursuant  
17 to this chapter. It is also the intent of the Legislature that schools  
18 use the handbook developed and distributed by the School/Law  
19 Enforcement Partnership Program entitled “Safe Schools: A  
20 Planning Guide for Action” in conjunction with developing their  
21 plan for school safety.

22 (c) Each schoolsite council or school safety planning committee  
23 in developing and updating a comprehensive school safety plan  
24 shall, where practical, consult, cooperate, and coordinate with  
25 other schoolsite councils or school safety planning committees.

26 (d) The comprehensive school safety plan may be evaluated  
27 and amended, as needed, by the school safety planning committee,  
28 but shall be evaluated at least once a year, to ensure that the  
29 comprehensive school safety plan is properly implemented. An  
30 updated file of all safety-related plans and materials shall be readily  
31 available for inspection by the public.

32 (e) As comprehensive school safety plans are reviewed and  
33 updated, the Legislature encourages all plans, to the extent that  
34 resources are available, to include policies and procedures aimed  
35 at the prevention of bullying.

36 (f) The comprehensive school safety plan, as written and updated  
37 by the schoolsite council or school safety planning committee,  
38 shall be submitted for approval under subdivision (a) of Section  
39 32288.

1     ~~SEC. 20.~~

2     ~~SEC. 17.~~ Section 32285 of the Education Code is repealed.

3     ~~SEC. 21.~~ Section 35186 of the Education Code is amended to  
4 read:

5     35186. (a) A school district shall use the uniform complaint  
6 process it has adopted as required by Chapter 5.1 (commencing  
7 with Section 4600) of Division 1 of Title 5 of the California Code  
8 of Regulations, with modifications, as necessary, to help identify  
9 and resolve any deficiencies related to instructional materials;  
10 emergency or urgent facilities conditions that pose a threat to the  
11 health and safety of pupils or staff, and teacher vacancy or  
12 misassignment.

13     (1) A complaint may be filed anonymously. A complainant who  
14 identifies himself or herself is entitled to a response if he or she  
15 indicates that a response is requested. A complaint form shall  
16 include a space to mark to indicate whether a response is requested.  
17 If Section 48985 is otherwise applicable, the response, if requested,  
18 and report shall be written in English and the primary language in  
19 which the complaint was filed. All complaints and responses are  
20 public records.

21     (2) The complaint form shall specify the location for filing a  
22 complaint. A complainant may add as much text to explain the  
23 complaint as he or she wishes.

24     (3) A complaint shall be filed with the principal of the school  
25 or his or her designee. A complaint about problems beyond the  
26 authority of the school principal shall be forwarded in a timely  
27 manner but not to exceed 10 working days to the appropriate school  
28 district official for resolution.

29     (b) The principal or the designee of the district superintendent,  
30 as applicable, shall make all reasonable efforts to investigate any  
31 problem within his or her authority. The principal or designee of  
32 the district superintendent shall remedy a valid complaint within  
33 a reasonable time period but not to exceed 30 working days from  
34 the date the complaint was received. The principal or designee of  
35 the district superintendent shall report to the complainant the  
36 resolution of the complaint within 45 working days of the initial  
37 filing. If the principal makes this report, the principal shall also  
38 report the same information in the same timeframe to the designee  
39 of the district superintendent.

~~(e) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board of the school district. As to complaints involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of Section 17592.72, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the state board describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.~~

~~(d) A school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.~~

~~(e) The procedure required pursuant to this section is intended to address all of the following:~~

~~(1) A complaint related to instructional materials as follows:~~

~~(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.~~

~~(B) A pupil does not have access to instructional materials to use at home or after school.~~

~~(C) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.~~

~~(2) A complaint related to teacher vacancy or misassignment as follows:~~

~~(A) A semester begins and a teacher vacancy exists.~~

~~(B) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20-percent English learner pupils in the class. This subparagraph does not~~

1 relieve a school district from complying with state or federal law  
2 regarding teachers of English learners.

3 (C) A teacher is assigned to teach a class for which the teacher  
4 lacks subject matter competency.

5 (3) A complaint related to the condition of facilities that pose  
6 an emergency or urgent threat to the health or safety of pupils or  
7 staff as defined in paragraph (1) of subdivision (c) of Section  
8 17592.72 and any other emergency conditions the school district  
9 determines appropriate and the requirements established pursuant  
10 to subdivision (a) of Section 35292.5.

11 (f) In order to identify appropriate subjects of complaint, a notice  
12 shall be posted in each classroom in each school in the school  
13 district notifying parents, guardians, pupils, and teachers of the  
14 following:

15 (1) There should be sufficient textbooks and instructional  
16 materials. For there to be sufficient textbooks and instructional  
17 materials each pupil, including English learners, must have a  
18 textbook or instructional materials, or both, to use in class and to  
19 take home.

20 (2) School facilities must be clean, safe, and maintained in good  
21 repair.

22 (3) There should be no teacher vacancies or misassignments as  
23 defined in paragraphs (2) and (3) of subdivision (h).

24 (4) The location at which to obtain a form to file a complaint  
25 in case of a shortage. Posting a notice downloadable from the  
26 Internet Web site of the department shall satisfy this requirement.

27 (g) A local educational agency shall establish local policies and  
28 procedures, post notices, and implement this section on or before  
29 January 1, 2005.

30 (h) For purposes of this section, the following definitions apply:

31 (1) "Good repair" has the same meaning as specified in  
32 subdivision (d) of Section 17002.

33 (2) "Misassignment" means the placement of a certificated  
34 employee in a teaching or services position for which the employee  
35 does not hold a legally recognized certificate or credential or the  
36 placement of a certificated employee in a teaching or services  
37 position that the employee is not otherwise authorized by statute  
38 to hold.

39 (3) "Teacher vacancy" means a position to which a single  
40 designated certificated employee has not been assigned at the

1 ~~beginning of the year for an entire year or, if the position is for a~~  
2 ~~one-semester course, a position to which a single designated~~  
3 ~~certificated employee has not been assigned at the beginning of a~~  
4 ~~semester for an entire semester.~~

5 ~~SEC. 22.~~

6 *SEC. 18.* Section 35292.5 of the Education Code is amended  
7 to read:

8 35292.5. (a) Every public and private school maintaining any  
9 combination of classes from kindergarten to grade 12, inclusive,  
10 shall comply with all of the following:

11 (1) Every restroom shall at all times be maintained and cleaned  
12 regularly, fully operational and stocked at all times with toilet  
13 paper, soap, and paper towels or functional hand dryers.

14 (2) The school shall keep all restrooms open during school hours  
15 when pupils are not in classes, and shall keep a sufficient number  
16 of restrooms open during school hours when pupils are in classes.

17 (b) Notwithstanding subdivision (a), a school may temporarily  
18 close a restroom as necessary for pupil safety or as necessary to  
19 repair the facility.

20 ~~SEC. 23. Article 10.4 (commencing with Section 35294.10)~~  
21 ~~of Chapter 2 of Part 21 of Division 3 of Title 2 of the Education~~  
22 ~~Code is repealed.~~

23 ~~SEC. 24. Article 4 (commencing with Section 37252) of~~  
24 ~~Chapter 2 of Part 22 of Division 3 of Title 2 of the Education Code~~  
25 ~~is repealed.~~

26 ~~SEC. 25.~~

27 *SEC. 19.* Chapter 2.5 (commencing with Section 37300) of  
28 Part 22 of Division 3 of Title 2 of the Education Code is repealed.

29 ~~SEC. 26.~~

30 *SEC. 20.* Section 41003.3 of the Education Code is amended  
31 to read:

32 41003.3. (a) Consistent with the provisions of Article 4  
33 (commencing with Section 17455) of Chapter 4 of Part 10.5 of  
34 Division 1 of Title 1, from July 1, 2008, to June 30, 2010, inclusive,  
35 the Dixon Unified School District may sell surplus real property  
36 previously used as the school farm on Sievers Road, located five  
37 miles outside of the city and which is not feasible for future school  
38 construction, together with any personal property located thereon,  
39 purchased entirely with local funds. The proceeds of the sale shall  
40 be deposited into the general fund of the school district in order

1 to reestablish a 3-percent reserve. The remainder of the proceeds  
2 from the sale of the property that are not ~~utilized~~ *used* to reestablish  
3 the 3-percent reserve shall be deposited into the capital outlay fund  
4 of the school district.

5 (b) In order to expend funds pursuant to subdivision (a), the  
6 school district shall meet all of the following conditions:

7 (1) The school district shall not be eligible for new construction  
8 funding for 10 years from the date that funds are deposited into  
9 the general fund of the school district pursuant to subdivision (a),  
10 except that the school district may apply for new construction  
11 funds if both of the following conditions are met:

12 (A) At least five years have elapsed since the date upon which  
13 the sale was executed pursuant to subdivision (a).

14 (B) The State Allocation Board determines that the school  
15 district has demonstrated enrollment growth or a need for additional  
16 sites or building construction that the school district could not have  
17 easily anticipated at the time the sale was executed pursuant to  
18 subdivision (a).

19 (2) The governing board of the school district shall complete a  
20 governance training program focusing on fiscal management  
21 provided by the County Office Fiscal Crisis and Management  
22 Assistance Team-(FCMAT).

23 (3) Any remaining funds from the sale of the property shall be  
24 exhausted for capital outlay purposes before a request for  
25 modernization funding.

26 (4) Notwithstanding any other ~~provision of~~ law, the Dixon  
27 Unified School District, from July 1, 2008, to June 30, 2010,  
28 inclusive, shall not be eligible to receive financial hardship  
29 assistance pursuant to Article 8 (commencing with Section  
30 17075.10) of Chapter 12.5 of Part 10 of Division 1 of Title 1.

31 (5) The governing board of the school district shall certify all  
32 of the following to the State Allocation Board:

33 (A) The school district has no major deferred maintenance  
34 requirements that cannot be completed with existing capital outlay  
35 resources.

36 (B) The sale of the real property pursuant to this section does  
37 not violate any provisions of a local general obligation bond act.

38 (C) The real property sold pursuant to this section is not suitable  
39 to meet any projected school construction need for the next 10  
40 years.

(6) Before exercising the authority granted by this section, the governing board of the school district, at a regularly scheduled meeting, shall present a plan for expending one-time resources pursuant to this section. The plan shall identify the source and use of the funds, and describe how the proposed use of funds, in combination with budget reductions, will address the school district's deficit spending and restore the ongoing fiscal solvency of the school district.

(7) No later than 10 years after the date of the sale of surplus property pursuant to subdivision (a), the school district shall deposit into its capital outlay fund an amount equal to the amount of the proceeds from the sale of the property that is deposited into the school district's general fund as needed to establish the 3-percent reserve in accordance with subdivision (a).

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

~~SEC. 27. Section 41376 of the Education Code is repealed.~~

~~SEC. 28. Section 41378 of the Education Code is repealed.~~

~~SEC. 29.~~

~~SEC. 21.~~ Article 1 (commencing with Section 41500) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 30.~~

~~SEC. 22.~~ Article 2 (commencing with Section 41505) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 31.~~

~~SEC. 23.~~ Article 3 (commencing with Section 41510) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 32.~~

~~SEC. 24.~~ Article 4 (commencing with Section 41520) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 33.~~

~~SEC. 25.~~ Article 5 (commencing with Section 41530) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.



~~SEC. 34.~~

~~SEC. 26.~~ Article 7 (commencing with Section 41570) of Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 35.~~

~~SEC. 27.~~ Article 13 (commencing with Section 41920) of Chapter 5 of Part 24 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 36.~~ Section 44279.2 of the Education Code is amended to read:

~~44279.2. (a) The Superintendent and the commission shall jointly administer the California Beginning Teacher Support and Assessment System pursuant to this chapter. In administering this section, the Superintendent and the commission shall provide or contract for the provision of all of the following:~~

~~(1) Establishing requirements for reviewing and approving teacher induction programs.~~

~~(2) Developing and administering a system for ensuring teacher induction program quality and effectiveness. For purposes of this section, "program effectiveness" means producing excellent program outcomes in relation to the purposes defined in subdivision (b) of Section 44279.1. For purposes of this section, "program quality" means excellence with respect to program factors, including, but not limited to, all of the following:~~

~~(A) Program goals.~~

~~(B) Design resources.~~

~~(C) Management, evaluation, and improvement of the program.~~

~~(D) School context and working conditions.~~

~~(E) Support and assessment services to each beginning teacher.~~

~~(3) Developing purposes and functions for reviewing and approving supplemental grants and standards for program clusters and program consultants, as defined pursuant to Section 44279.7.~~

~~(4) Improving and refining the formative assessment system.~~

~~(5) Improving and refining professional development materials and strategies for all personnel involved in implementing induction programs.~~

~~(6) Conducting and tracking research related to beginning teacher induction.~~

~~(7) Periodically evaluating the validity of the California Standards for the Teaching Profession adopted by the commission~~

1 and the Standards of Quality and Effectiveness for Beginning  
2 Teacher Support and Assessment Program adopted by the  
3 commission and making changes to those documents, as necessary.

4 (b) As part of the California Beginning Teacher Support and  
5 Assessment System, the commission and the Superintendent shall  
6 establish requirements for local teacher induction programs.

7 (c) A school district or consortium of school districts may  
8 establish a local teacher induction program pursuant to this section  
9 that shall, at a minimum, meet all of the following requirements:

10 (1) Develop, implement, and evaluate teacher induction  
11 programs that meet the Quality and Effectiveness for Beginning  
12 Teacher Induction Program Standards adopted by the commission.

13 (2) Support beginning teachers in meeting the competencies  
14 described in the California Standards for the Teaching Profession  
15 adopted by the commission.

16 (3) Meet criteria for the cost-effective delivery of program  
17 services.

18 SEC. 37. Section 44279.25 of the Education Code is amended  
19 to read:

20 44279.25. (a) In consultation with the Superintendent, the  
21 commission shall revise the formative assessment system for  
22 beginning teachers, as necessary to ensure that related tasks and  
23 activities are aligned to the revised standards adopted pursuant to  
24 subdivision (c).

25 (b) The Superintendent and the commission shall identify  
26 effective practices and techniques and provide for the dissemination  
27 of these to local induction program providers.

28 (c) Immediately following the adoption by the commission of  
29 revised standards, the commission shall review induction programs  
30 to determine whether local teacher induction programs are meeting  
31 standards of quality and effectiveness and to assure greater program  
32 quality and consistency. The commission shall schedule regular  
33 reviews following the initial review of programs pursuant to this  
34 subdivision.

35 (d) The Superintendent and the commission shall ensure that  
36 teacher credential candidates are notified of the opportunity to  
37 choose an early completion option pursuant to Section 44468.

38 SEC. 38. Section 44279.7 of the Education Code is amended  
39 to read:

1     ~~44279.7. (a) The Superintendent and the commission shall~~  
2 ~~designate each school district and consortium of school districts~~  
3 ~~participating in the Beginning Teacher Support and Assessment~~  
4 ~~System established pursuant to Section 44279.2 as belonging to a~~  
5 ~~cluster according to the criteria established pursuant to this~~  
6 ~~subdivision. For purposes of this section “cluster” means a cluster~~  
7 ~~of school districts or consortium of school districts established~~  
8 ~~pursuant this section. The Superintendent and the commission~~  
9 ~~shall establish criteria for the formation of school districts or~~  
10 ~~consortiums of school district teacher induction program clusters~~  
11 ~~based upon, but not necessarily be limited to, all of the following:~~

- 12     ~~(1) Geographic proximity.~~  
13     ~~(2) Program size.~~  
14     ~~(3) The number of beginning teachers served.~~  
15     ~~(4) The similarity of teacher characteristics and pupil populations~~  
16 ~~in each school district.~~

17     ~~(b) School districts and consortiums of school districts may~~  
18 ~~identify a teacher induction program consultant to assist the school~~  
19 ~~district or consortiums of school districts forming a cluster. The~~  
20 ~~Superintendent and the commission shall identify the purpose and~~  
21 ~~functions of each consultant. Those purposes and functions shall~~  
22 ~~include, but not necessarily be limited to, all the following:~~

- 23     ~~(1) Assisting in designing, implementing, refining, and~~  
24 ~~evaluating their teacher induction programs.~~

25     ~~(2) Assisting in building the capacity to provide professional~~  
26 ~~development for all personnel involved in the implementation of~~  
27 ~~teacher induction programs, including, but not limited to, beginning~~  
28 ~~teachers, support providers, and administrators.~~

29     ~~(3) Disseminating information on teacher induction programs~~  
30 ~~to all interested participants within the cluster and collaborating~~  
31 ~~with other consultants statewide and with state administrative~~  
32 ~~agency staff to ensure ongoing program improvement.~~

33     ~~SEC. 39. Section 44320 of the Education Code is amended to~~  
34 ~~read:~~

35     ~~44320. (a) Professional preparation, including student teaching,~~  
36 ~~shall be made available in the upper division course offerings at~~  
37 ~~all California public institutions of higher learning, except the~~  
38 ~~California Maritime Academy and the Hastings College of the~~  
39 ~~Law. No more than nine semester units, or the equivalent, of~~  
40 ~~professional education courses may be designated as prerequisites~~

1 for purposes of admission to student teaching, except that, to satisfy  
2 the English language requirement as set forth in paragraph (3) of  
3 subdivision (b) of Section 44259, candidates may be required to  
4 take 12 semester units, or the equivalent, as professional education  
5 prerequisites to student teaching.

6 ~~(b) The commission shall encourage postsecondary educational~~  
7 ~~institutions that offer programs of professional preparation to~~  
8 ~~collaborate with school districts, county offices of education, and~~  
9 ~~professional organizations in the design and delivery of local~~  
10 ~~programs to function as part of the California beginning teacher~~  
11 ~~support and assessment program pursuant to Section 44279.2. If~~  
12 ~~local educational agencies and institutions of higher education~~  
13 ~~voluntarily agree to implement the program, the following~~  
14 ~~provisions shall apply to each collaborative effort:~~

15 ~~(1) Postsecondary educational institutions and local educational~~  
16 ~~agencies shall coordinate and articulate the program of professional~~  
17 ~~preparation and the beginning teacher support and assessment~~  
18 ~~program, so the two programs provide continuity in the preparation,~~  
19 ~~support, and assessment of beginning teachers.~~

20 ~~(2) At the discretion of a postsecondary educational institution~~  
21 ~~that participates in a collaborative effort, the program of~~  
22 ~~professional preparation may be submitted to the commission for~~  
23 ~~approval as a program of preparation, support, and assessment that~~  
24 ~~is at least two years long.~~

25 ~~(3) In each program of preparation, support, and assessment,~~  
26 ~~the postsecondary educational institution shall make it possible~~  
27 ~~for each candidate to complete all requirements for a valid teaching~~  
28 ~~credential in the equivalent of one year of full-time study.~~

29 ~~(4) A postsecondary educational institution that participates in~~  
30 ~~a collaborative effort may, at its discretion, determine that~~  
31 ~~successful completion of the support and assessment components~~  
32 ~~of an articulated program of professional preparation, support, and~~  
33 ~~assessment fulfills some or all of the requirements of subdivision~~  
34 ~~(e) of Section 44259, and may accordingly recommend applicants~~  
35 ~~for the professional teaching credential. The standards and criteria~~  
36 ~~for making these determinations and recommendations shall be~~  
37 ~~included in the institution's proposal for a program.~~

38 ~~(5) A local educational agency that collaborates, at its own~~  
39 ~~discretion, with a postsecondary educational institution in the~~  
40 ~~design and delivery of an articulated program of professional~~

1 preparation, support, and assessment that meets the standards and  
2 criteria pursuant to subdivision (c) of Section 44279.2 may contract  
3 with the postsecondary educational institution to pay the  
4 institution's costs of designing and delivering the support and  
5 assessment components of the program.

6 ~~(e) Local educational agencies that are approved by the~~  
7 ~~commission to provide programs of personalized preparation to~~  
8 ~~candidates for designated subjects teaching credentials are~~  
9 ~~encouraged to participate in the design and delivery of local~~  
10 ~~programs under the California beginning teacher support and~~  
11 ~~assessment program pursuant to Article 4.5 (commencing with~~  
12 ~~Section 44279.2), in a manner consistent with subdivision (b).~~

13 ~~(d) Before admission to either student teaching under any~~  
14 ~~professional preparation program approved by the commission,~~  
15 ~~or participation in a field experience program as described in~~  
16 ~~Section 44324, a candidate for a credential shall obtain a certificate~~  
17 ~~of clearance from the commission that shall be issued when the~~  
18 ~~commission has verified the candidate's personal identification~~  
19 ~~and health status. The fee for the certificate of clearance shall not~~  
20 ~~exceed one-half of the regular fee for a credential and shall be~~  
21 ~~deducted from the fee for the initial credential applied for by the~~  
22 ~~certificate holder.~~

23 SEC. 40. Section 44328 of the Education Code is amended to  
24 read:

25 44328. (a) Unless the commission determines that substantial  
26 evidence exists that a person is unqualified to teach, upon the  
27 completion of successful service as a district intern pursuant to  
28 subdivision (b) of Section 44325, and upon the recommendation  
29 of the governing board of the school district, the commission shall  
30 award preliminary credentials to district interns in the same manner  
31 as applicants recommended for credentials by institutions that  
32 operate approved programs of professional preparation.

33 (b) Notwithstanding paragraphs (1) and (2) of subdivision (a)  
34 of Section 44225, paragraphs (3), (4), (5), and (6) of subdivision  
35 (b) of Section 44259, paragraphs (1), (2), (3), and (4) of subdivision  
36 (c) of Section 44259, and Sections 44261, 44265, and 44335, upon  
37 recommendation by the governing board of the school district,  
38 district interns shall be issued preliminary credentials, upon the  
39 completion of successful service as a teacher pursuant to  
40 subdivision (b) of Section 44325, unless the governing board of

1 the school district recommends, and the commission finds  
2 substantial evidence, that the person is not qualified to teach. A  
3 school district may require a district intern who is pursuing a clear  
4 credential to complete an approved induction program if funds are  
5 available or approved coursework in accordance with paragraph  
6 (5) of subdivision (c) of Section 44259.

7 (c) Notwithstanding Section 44261, the preliminary credential  
8 awarded to any district intern holding a district intern credential  
9 to teach bilingual education classes shall be a basic teaching  
10 credential with a bilingual-crosscultural language and academic  
11 development emphasis. Notwithstanding Section 44265, the  
12 preliminary credential awarded to any district intern who holds a  
13 district intern credential to teach special education pupils shall be  
14 a special education specialist instruction credential that authorizes  
15 the holder to teach special education pupils.

16 (d) It is the intent of the Legislature that institutions of higher  
17 education that operate approved programs of professional  
18 preparation work cooperatively with school districts that offer  
19 district intern programs for a special education specialist credential  
20 to apply the regular education coursework and fieldwork from the  
21 special education district intern program toward earning a multiple  
22 or single subject teaching credential through the institution.

23 SEC. 41. Article 11 (commencing with Section 44380) of  
24 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
25 is repealed.

26 SEC. 42. Article 12 (commencing with Section 44390) of  
27 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
28 is repealed.

29 SEC. 43. Article 13 (commencing with Section 44395) of  
30 Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code  
31 is repealed.

32 SEC. 44. Article 4.5 (commencing with Section 44500) of  
33 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
34 is repealed.

35 SEC. 45.

36 SEC. 28. Article 5 (commencing with Section 44520) of  
37 Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code  
38 is repealed.

~~SEC. 46.~~

*SEC. 29.* Article 6 (commencing with Section 44560) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 47.~~ ~~Article 7 (commencing with Section 44570) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.~~

~~SEC. 48.~~

*SEC. 30.* Article 8 (commencing with Section 44580) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 49.~~

*SEC. 31.* Article 10 (commencing with Section 44630) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 50.~~ ~~Article 10.5 (commencing with Section 44645) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.~~

~~SEC. 51.~~

*SEC. 32.* Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 52.~~ ~~Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25 of Division 3 of Title 2 of the Education Code is repealed.~~

~~SEC. 53.~~

*SEC. 33.* Chapter 3.3 (commencing with Section 44700) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 54.~~

*SEC. 34.* Chapter 3.33 (commencing with Section 44720) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 55.~~ ~~Chapter 3.34 (commencing with Section 44730) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.~~

~~SEC. 56.~~

*SEC. 35.* Chapter 3.36 (commencing with Section 44735) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

~~SEC. 57.~~

*SEC. 36.* Chapter 3.45 (commencing with Section 44755) of Part 25 of Division 3 of Title 2 of the Education Code is repealed.

1 ~~SEC. 58.~~ Chapter 3.5 (commencing with Section 44760) of Part  
2 25 of Division 3 of Title 2 of the Education Code is repealed.  
3 ~~SEC. 59.~~ Section 45037 of the Education Code is repealed.  
4 ~~SEC. 60.~~ Article 8.5 (commencing with Section 45370) of  
5 Chapter 5 of Part 25 of Division 3 of Title 2 of the Education Code  
6 is repealed.  
7 ~~SEC. 61.~~  
8 ~~SEC. 37.~~ Section 46306 of the Education Code is repealed.  
9 ~~SEC. 62.~~  
10 ~~SEC. 38.~~ Section 47613.1 of the Education Code is amended  
11 to read:  
12 47613.1. The Superintendent shall make both of the following  
13 apportionments on behalf of a charter school in a school district  
14 in which all schools have been converted to charter schools  
15 pursuant to Section 47606:  
16 (a) For each pupil enrolled in the charter school who is entitled  
17 to special education services, the state and federal funds for special  
18 education services for that pupil that would have been apportioned  
19 for that pupil to the school district to which the charter petition  
20 was submitted.  
21 (b) Funds for the programs described in Sections 63000 and  
22 64000, to the extent that any pupil enrolled in the charter school  
23 is eligible to participate.  
24 ~~SEC. 63.~~  
25 ~~SEC. 39.~~ Section 47613.2 of the Education Code is repealed.  
26 ~~SEC. 64.~~ Section 47630 of the Education Code is amended to  
27 read:  
28 47630. It is the intent of the Legislature that each charter school  
29 be provided with operational funding that is equal to the total  
30 funding that would be available to a similar school district serving  
31 a similar pupil population, except that a charter school may not be  
32 funded as a necessary small school or a necessary small high  
33 school.  
34 ~~SEC. 65.~~ Section 47630.5 of the Education Code is repealed.  
35 ~~SEC. 66.~~ Section 47633 of the Education Code is repealed.  
36 ~~SEC. 67.~~  
37 ~~SEC. 40.~~ Section 47634.1 of the Education Code, as added by  
38 Section 24 of Chapter 2 of the Fourth Extraordinary Session of  
39 the Statutes of 2009, is repealed.



1 ~~SEC. 68.— Section 47634.3 of the Education Code is amended to~~  
2 ~~read:~~

3 ~~47634.3.— For purposes of Sections 42238.02 and 42238.03, the~~  
4 ~~Superintendent shall compute average daily attendance in each of~~  
5 ~~grades 1 through 12, respectively, as follows:~~

6 ~~(a) Distribute statewide total ungraded enrollment and average~~  
7 ~~daily attendance among kindergarten and each of grades 1 through~~  
8 ~~12, inclusive, in proportion to the amounts of graded enrollment~~  
9 ~~and average daily attendance, respectively, in each of these grades.~~

10 ~~(b) Multiply enrollment in each of grades 1 through 12,~~  
11 ~~respectively, by the ratio of average daily attendance to enrollment~~  
12 ~~in the applicable grade range: 1 through 3, inclusive, 4 through 6,~~  
13 ~~inclusive; 7 and 8; and 9 through 12, inclusive.~~

14 ~~SEC. 69.— Section 47634.4 of the Education Code is amended~~  
15 ~~to read:~~

16 ~~47634.4.— (a) A charter school that elects to receive its funding~~  
17 ~~directly, pursuant to Section 47651, may apply individually for~~  
18 ~~federal and state categorical programs, not excluded in this section,~~  
19 ~~but only to the extent it is eligible for funding and meets the~~  
20 ~~provisions of the program. For purposes of determining eligibility~~  
21 ~~for, and allocation of, state or federal categorical aid, a charter~~  
22 ~~school that applies individually shall be deemed to be a school~~  
23 ~~district, except as otherwise provided in this chapter.~~

24 ~~(b) A charter school that does not elect to receive its funding~~  
25 ~~directly, pursuant to Section 47651, may, in cooperation with its~~  
26 ~~chartering authority, apply for federal and state categorical~~  
27 ~~programs not specified in this section, but only to the extent it is~~  
28 ~~eligible for funding and meets the provisions of the program.~~

29 ~~(c) Notwithstanding any other law, for the 2006–07 fiscal year~~  
30 ~~and each fiscal year thereafter, a charter school may not apply~~  
31 ~~directly for categorical programs for which services are exclusively~~  
32 ~~or almost exclusively provided by a county office of education.~~

33 ~~(d) Consistent with subdivision (c), a charter school may not~~  
34 ~~receive direct funding for any of the following county-administered~~  
35 ~~categorical programs:~~

36 ~~(1) American Indian Education Centers.~~

37 ~~(2) County Office Fiscal Crisis and Management Assistance~~  
38 ~~Team.~~

39 ~~(3) The K–12 High Speed Network.~~

~~(e) A charter school may apply separately for district-level or school-level grants associated with any of the categorical programs specified in subdivision (d).~~

~~(f) Notwithstanding any other law, for the 2006-07 fiscal year and each fiscal year thereafter, in addition to the programs listed in subdivision (d), a charter school may not apply for any of the following categorical programs:~~

~~(1) Agricultural Career Technical Education Incentive Program, as set forth in Article 7.5 (commencing with Section 52460) of Chapter 9 of Part 28.~~

~~(2) Foster youth programs pursuant to Chapter 11.3 (commencing with Section 42920) of Part 24.~~

~~(3) Home-to-school transportation programs, as set forth in Article 2 (commencing with Section 39820) of Chapter 1 of Part 23.5 and Article 10 (commencing with Section 41850) of Chapter 5 of Part 24.~~

~~(4) Targeted Instructional Improvement Block Grant, as set forth in Article 6 (commencing with Section 41540) of Chapter 3.2 of Part 24.~~

~~SEC. 70.~~

*SEC. 41.* Section 47650 of the Education Code is amended to read:

47650. A charter school shall be deemed to be a school district for purposes of determining the manner in which warrants are drawn on the State School Fund pursuant to Section 14041. For purposes of Section 14041, a charter school's "total amount certified" means the state aid portion of the charter school's total local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03.

~~SEC. 71.~~

*SEC. 42.* Section 47651 of the Education Code is amended to read:

47651. (a) A charter school may receive the state aid portion of the charter school's total local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, directly or through the local educational agency that either grants its charter or was designated by the state board.

(1) In the case of a charter school that elects to receive its funding directly, the warrant shall be drawn in favor of the county superintendent of schools of the county in which the local

1 educational agency that approved the charter or was designated  
2 by the state board as the oversight agency pursuant to paragraph  
3 (1) of subdivision (k) of Section 47605 is located, for deposit to  
4 the appropriate funds or accounts of the charter school in the county  
5 treasury. The county superintendent of schools is authorized to  
6 establish appropriate funds or accounts in the county treasury for  
7 each charter school.

8 (2) In the case of a charter school that does not elect to receive  
9 its funding directly pursuant to ~~Section 47651~~ *this section*, the  
10 warrant shall be drawn in favor of the county superintendent of  
11 schools of the county in which the local educational agency that  
12 granted the charter is located or was designated the oversight  
13 agency by the state board pursuant to paragraph (1) of subdivision  
14 (k) of Section 47605, for deposit to the appropriate funds or  
15 accounts of the local educational agency.

16 (3) In the case of a charter school, the charter of which was  
17 granted by the state board, but for which the state board has not  
18 delegated oversight responsibilities pursuant to paragraph (1) of  
19 subdivision (k) of Section 47605, the warrant shall be drawn in  
20 favor of the county superintendent of schools in the county where  
21 the local educational agency is located that initially denied the  
22 charter that was later approved by the state board. The county  
23 superintendent of schools is authorized to establish appropriate  
24 funds or accounts in the county treasury for each charter school.

25 (b) On or before June 1 of each year, a charter school electing  
26 to receive its funding directly shall so notify the county  
27 superintendent of schools of the county in which the local  
28 educational agency that granted the charter is located or, in the  
29 case of charters for which the state board has designated an  
30 oversight agency pursuant to paragraph (1) of subdivision (k) of  
31 Section 47605, the county superintendent of schools of the county  
32 in which the designated oversight agency is located. An election  
33 to receive funding directly shall apply to all funding that the charter  
34 school is eligible to receive including, but not limited to, the local  
35 control funding formula allocation pursuant to Section 42238.02,  
36 as implemented by Section 42238.03, other state and federal  
37 categorical aid, and lottery funds.

38 ~~SEC. 72.~~

39 *SEC. 43.* Section 48660 of the Education Code is amended to  
40 read:

1     48660. The governing board of a school district may establish  
2 one or more community day schools for pupils who meet one or  
3 more of the conditions described in subdivision (b) of Section  
4 48662. A community day school may serve pupils in any of  
5 kindergarten and grades 1 to 6, inclusive, or any of grades 7 to 12,  
6 inclusive, or the same or lesser included range of grades as may  
7 be found in an individual middle or junior high school operated  
8 by the school district. If a school district is organized as a school  
9 district that serves kindergarten and grades 1 to 8, inclusive, but  
10 no higher grades, the governing board of the school district may  
11 establish a community day school for any kindergarten and grades  
12 1 to 8, inclusive, upon a two-thirds vote of the governing board of  
13 the school district. It is the intent of the Legislature, that to the  
14 extent possible, the governing board of a school district operating  
15 a community day school for any of kindergarten and grades 1 to  
16 8, inclusive, separate younger pupils from older pupils within that  
17 community day school.

18     ~~SEC. 73.~~

19     ~~SEC. 44.~~ Section 48660.2 of the Education Code is repealed.

20     ~~SEC. 74.~~

21     ~~SEC. 45.~~ Section 48663 of the Education Code is repealed.

22     ~~SEC. 75.~~

23     ~~SEC. 46.~~ Section 48664 of the Education Code is repealed.

24     ~~SEC. 76.~~ ~~Article 15 (commencing with Section 51870) of~~  
25 ~~Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code~~  
26 ~~is repealed.~~

27     ~~SEC. 77.~~

28     ~~SEC. 47.~~ Chapter 6.8 (commencing with Section 52080) of  
29 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

30     ~~SEC. 78.~~

31     ~~SEC. 48.~~ Chapter 6.9 (commencing with Section 52100) of  
32 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

33     ~~SEC. 79.~~

34     ~~SEC. 49.~~ Chapter 6.10 (commencing with Section 52120) of  
35 Part 28 of Division 4 of Title 2 of the Education Code is repealed.

36     ~~SEC. 80.~~ ~~Chapter 7 (commencing with Section 52130) of Part~~  
37 ~~28 of Division 4 of Title 2 of the Education Code is repealed.~~

38     ~~SEC. 81.~~

39     ~~SEC. 50.~~ Chapter 8 (commencing with Section 52200) of Part  
40 28 of Division 4 of Title 2 of the Education Code is repealed.

~~SEC. 82. Chapter 8.3 (commencing with Section 52240) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 83.~~

~~SEC. 51. Chapter 8.5 (commencing with Section 52250) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 84.~~

~~SEC. 52. Chapter 8.6 (commencing with Section 52270) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 85.~~

~~SEC. 53. Article 4.5 (commencing with Section 52378) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 86.~~

~~SEC. 54. Article 5 (commencing with Section 52381) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 87.~~

~~SEC. 55. Article 8 (commencing with Section 52480) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 88. Article 9 (commencing with Section 52485) of Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 89.~~

~~SEC. 56. Article 4 (commencing with Section 52750) of Chapter 11 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 90.~~

~~SEC. 57. Article 1 (commencing with Section 52800) of Chapter 12 of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 91.~~

~~SEC. 58. Chapter 12.5 (commencing with Section 52920) of Part 28 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 92. Chapter 1 (commencing with Section 54000) of Part 29 of Division 4 of Title 2 of the Education Code is repealed.~~

~~SEC. 93.~~

~~SEC. 59. Chapter 2 (commencing with Section 54100) of Part 29 of Division 4 of Title 2 of the Education Code is repealed.~~

1 SEC. 94. ~~Article 7.1 (commencing with Section 54740) of Chapter~~  
2 ~~9 of Part 29 of Division 4 of Title 2 of the Education Code is~~  
3 ~~repealed.~~

4 SEC. 95.

5 SEC. 60. Chapter 5 (commencing with Section 58700) of Part  
6 31 of Division 4 of Title 2 of the Education Code is repealed.

7 SEC. 96. ~~The heading of Article 7 (commencing with Section~~  
8 ~~60117) of Chapter 1 of Part 33 of Division 4 of Title 2 of the~~  
9 ~~Education Code is amended to read:~~

10  
11 Article 7. Sufficiency of Instructional Materials  
12

13 SEC. 97. ~~Section 60117 of the Education Code is repealed.~~

14 SEC. 98. ~~Section 60118 of the Education Code is repealed.~~

15 SEC. 99. ~~Section 60119 of the Education Code is amended to~~  
16 ~~read:~~

17 60119. (a) ~~The governing board of a school district shall take~~  
18 ~~the following actions:~~

19 (1) (A) ~~The governing board of a school district shall hold a~~  
20 ~~public hearing or hearings at which the governing board of the~~  
21 ~~school district shall encourage participation by parents, teachers,~~  
22 ~~members of the community interested in the affairs of the school~~  
23 ~~district, and bargaining unit leaders, and shall make a~~  
24 ~~determination, through a resolution, as to whether each pupil in~~  
25 ~~each school in the school district has sufficient textbooks or~~  
26 ~~instructional materials, or both, that are aligned to the content~~  
27 ~~standards adopted pursuant to Section 60605 or 60605.8 in each~~  
28 ~~of the following subjects, as appropriate, that are consistent with~~  
29 ~~the content and cycles of the curriculum framework adopted by~~  
30 ~~the state board:~~

31 (i) ~~Mathematics.~~

32 (ii) ~~Science.~~

33 (iii) ~~History-social science.~~

34 (iv) ~~English language arts, including the English language~~  
35 ~~development component of an adopted program.~~

36 (B) ~~The public hearing shall take place on or before the end of~~  
37 ~~the eighth week from the first day pupils attend school for that~~  
38 ~~year. A school district that operates schools on a multitrack,~~  
39 ~~year-round calendar shall hold the hearing on or before the end of~~  
40 ~~the eighth week from the first day pupils attend school for that~~

1 year on any tracks that begin a school year in August or September.  
2 For purposes of the 2004–05 fiscal year only, the governing board  
3 of a school district shall make a diligent effort to hold a public  
4 hearing pursuant to this section on or before December 1, 2004.

5 (C) As part of the hearing required pursuant to this section, the  
6 governing board of a school district also shall make a written  
7 determination as to whether each pupil enrolled in a foreign  
8 language or health course has sufficient textbooks or instructional  
9 materials that are consistent with the content and cycles of the  
10 curriculum frameworks adopted by the state board for those  
11 subjects. The governing board of a school district also shall  
12 determine the availability of laboratory science equipment as  
13 applicable to science laboratory courses offered in grades 9 to 12,  
14 inclusive. The provision of the textbooks, instructional materials,  
15 or science equipment specified in this subparagraph is not a  
16 condition of receipt of funds provided by this subdivision.

17 (2) (A) If the governing board of a school district determines  
18 that there are insufficient textbooks or instructional materials, or  
19 both, the governing board of the school district shall provide  
20 information to classroom teachers and to the public setting forth,  
21 in the resolution, for each school in which an insufficiency exists,  
22 the percentage of pupils who lack sufficient standards-aligned  
23 textbooks or instructional materials in each subject area and the  
24 reasons that each pupil does not have sufficient textbooks or  
25 instructional materials, or both, and take any action, except an  
26 action that would require reimbursement by the Commission on  
27 State Mandates, to ensure that each pupil has sufficient textbooks  
28 or instructional materials, or both, within two months of the  
29 beginning of the school year in which the determination is made.

30 (B) In carrying out subparagraph (A), the governing board of a  
31 school district may use moneys in any of the following funds:

32 (i) Any funds available for textbooks or instructional materials,  
33 or both, including any funds received pursuant to Section 8880.5  
34 of the Government Code.

35 (ii) Any other funds available to the school district for textbooks  
36 or instructional materials, or both.

37 (b) The governing board of a school district shall provide 10  
38 days' notice of the public hearing or hearings set forth in  
39 subdivision (a). The notice shall contain the time, place, and  
40 purpose of the hearing and shall be posted in three public places

1 in the school district. The hearing shall be held at a time that will  
2 encourage the attendance of teachers and parents and guardians  
3 of pupils who attend the schools in the school district and shall  
4 not take place during or immediately following school hours.

5 (e) (1) For purposes of this section, “sufficient textbooks or  
6 instructional materials” means that each pupil, including English  
7 learners, has a standards-aligned textbook or instructional materials,  
8 or both, to use in class and to take home. This paragraph does not  
9 require two sets of textbooks or instructional materials for each  
10 pupil. The materials may be in a digital format as long as each  
11 pupil, at a minimum, has and can access the same materials in the  
12 class and to take home, as all other pupils in the same class or  
13 course in the school district and has the ability to use and access  
14 them at home.

15 (2) Sufficient textbooks or instructional materials as defined in  
16 paragraph (1) do not include photocopied sheets from only a  
17 portion of a textbook or instructional materials copied to address  
18 a shortage.

19 (d) The governing board of a school district that receives funds  
20 for instructional materials from any state source is subject to the  
21 requirements of this section.

22 (e) For the purpose of transitioning to instructional materials  
23 that are aligned with the common core academic content standards,  
24 it is the intent of the Legislature that textbooks, instructional  
25 materials, and supplemental instructional materials be deemed to  
26 be aligned with the content standards pursuant to subdivisions (a)  
27 and (c), and be deemed consistent with the content and cycles of  
28 the curriculum framework adopted by the state board pursuant to  
29 subdivision (a) if the textbooks, instructional materials,  
30 supplemental instructional materials, or a combination of any such  
31 materials are aligned to the content standards adopted pursuant to  
32 Section 60605 or 60605.8.

33 ~~SEC. 100.~~

34 *SEC. 61.* Article 3 (commencing with Section 60240) of  
35 Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code  
36 is repealed.

37 ~~SEC. 101.~~

38 *SEC. 62.* Article 7 (commencing with Section 60350) of  
39 Chapter 2 of Part 33 of Division 4 of Title 2 of the Education Code  
40 is repealed.



1     ~~SEC. 102.~~

2     ~~SEC. 63.~~ Chapter 4 (commencing with Section 60500) of Part  
3     33 of Division 4 of Title 2 of the Education Code is repealed.

4     ~~SEC. 103.~~

5     ~~SEC. 64.~~ Section 60851 of the Education Code is amended to  
6     read:

7     60851. (a) Commencing with the 2003–04 school year and  
8     each school year thereafter, each pupil completing grade 12 shall  
9     successfully pass the high school exit examination as a condition  
10    of receiving a diploma of graduation or a condition of graduation  
11    from high school. Funding for the administration of the high school  
12    exit examination shall be provided for in the annual Budget Act.  
13    The Superintendent shall apportion funds appropriated for this  
14    purpose to enable school districts to meet the requirements of this  
15    subdivision and subdivisions (b), (c), and (d). The state board shall  
16    establish the amount of funding to be apportioned per test  
17    administered, based on a review of the cost per test.

18    (b) Each pupil shall take the high school exit examination in  
19    grade 10 beginning in the 2001–02 school year and may take the  
20    examination during each subsequent administration, until each  
21    section of the examination has been passed.

22    (c) (1) At the parent or guardian’s request, a school principal  
23    shall submit a request for a waiver of the requirement to  
24    successfully pass the high school exit examination to the governing  
25    board of the school district for a pupil with a disability who has  
26    taken the high school exit examination with modifications that  
27    alter what the test measures and has received the equivalent of a  
28    passing score on one or both subject matter parts of the high school  
29    exit examination. A governing board of a school district may waive  
30    the requirement to successfully pass one or both subject matter  
31    parts of the high school exit examination for a pupil with a  
32    disability if the principal certifies to the governing board of the  
33    school district that the pupil has all of the following:

34    (A) An individualized education program adopted pursuant to  
35    the federal Individuals with Disabilities Education Act (20 U.S.C.  
36    Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the  
37    federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place  
38    that requires the accommodations or modifications to be provided  
39    to the pupil when taking the high school exit examination.

1 (B) Sufficient high school level coursework either satisfactorily  
2 completed or in progress in a high school level curriculum  
3 sufficient to have attained the skills and knowledge otherwise  
4 needed to pass the high school exit examination.

5 (C) An individual score report for the pupil showing that the  
6 pupil has received the equivalent of a passing score on the high  
7 school exit examination while using a modification that  
8 fundamentally alters what the high school exit examination  
9 measures as determined by the state board.

10 (2) A school district shall report to the state board, in a manner  
11 and by a date determined by the Superintendent, the number and  
12 characteristics of waivers reviewed, granted, and denied under this  
13 subdivision and any additional information determined to be in  
14 furtherance of this subdivision.

15 (d) The high school exit examination shall be offered in each  
16 public school and state special school that provides instruction in  
17 grades 10, 11, or 12, on the dates designated by the Superintendent.  
18 An exit examination may not be administered on any date other  
19 than those designated by the Superintendent as examination days  
20 or makeup days.

21 (e) The results of the high school exit examination shall be  
22 provided to each pupil taking the examination within eight weeks  
23 of the examination administration and in time for the pupil to take  
24 any section of the examination not passed at the next  
25 administration. A pupil shall take again only those parts of the  
26 examination he or she has not previously passed and may not retake  
27 any portion of the exit examination that he or she has previously  
28 passed.

29 (f) Supplemental instruction shall be provided to any pupil who  
30 does not demonstrate sufficient progress toward passing the high  
31 school exit examination. To the extent that school districts have  
32 aligned their curriculum with the state academic content standards  
33 adopted by the state board, the curriculum for supplemental  
34 instruction shall reflect those standards and shall be designed to  
35 assist the pupils to succeed on the high school exit examination.  
36 This chapter does not require the provision of supplemental  
37 services using resources that are not regularly available to a school  
38 or school district, including summer school instruction. In no event  
39 shall any action taken as a result of this subdivision cause or require

1 reimbursement by the Commission on State Mandates. Sufficient  
2 progress shall be determined on the basis of either of the following:

3 (1) The results of the assessments administered pursuant to  
4 Article 4 (commencing with Section 60640) of Chapter 5 and the  
5 minimum levels of proficiency recommended by the state board  
6 pursuant to Section 60648.

7 (2) The grades of the pupil and other indicators of academic  
8 achievement designated by the school district.

9 ~~SEC. 104. Section 62002 of the Education Code is repealed.~~

10 ~~SEC. 105. Section 62002.5 of the Education Code is repealed.~~

11 ~~SEC. 106. Section 62003 of the Education Code is repealed.~~

12 ~~SEC. 107. Section 62004 of the Education Code is repealed.~~

13 ~~SEC. 108. Section 62005 of the Education Code is repealed.~~

14 ~~SEC. 109. Section 62005.5 of the Education Code is repealed.~~

15 ~~SEC. 110. Section 63000 of the Education Code is amended~~  
16 ~~to read:~~

17 ~~63000. The provisions of this chapter shall apply to funds~~  
18 ~~received for child care and development programs pursuant to~~  
19 ~~Chapter 2 (commencing with Section 8200) of Part 6 of Division~~  
20 ~~1 of Title 1.~~

21 ~~SEC. 111. Section 63001 of the Education Code is amended~~  
22 ~~to read:~~

23 ~~63001. A school district that, in a fiscal year, receives an~~  
24 ~~apportionment for a program specified in Section 63000 shall use~~  
25 ~~no less than 85 percent of that apportionment at schoolsites for~~  
26 ~~direct services to pupils.~~

27 ~~SEC. 112. Section 64000 of the Education Code is amended~~  
28 ~~to read:~~

29 ~~64000. (a) The provisions of this part shall apply to~~  
30 ~~applications for funds under the following categorical programs:~~

31 ~~(1) Programs providing assistance to disadvantaged pupils under~~  
32 ~~Section 6312 of Title 20 of the United States Code, and programs~~  
33 ~~providing assistance for neglected or delinquent pupils who are at~~  
34 ~~risk of dropping out of school, as funded by Section 6421 of Title~~  
35 ~~20 of the United States Code.~~

36 ~~(2) Professional development programs established pursuant to~~  
37 ~~Section 6601 of Title 20 of the United States Code.~~

38 ~~(3) Programs for tobacco use prevention funded by Section 7115~~  
39 ~~of Title 20 of the United States Code.~~

- 1     ~~(4) Safe and Drug Free Schools and Communities programs~~
- 2     ~~established pursuant to Section 7113 of Title 20 of the United~~
- 3     ~~States Code.~~
- 4     ~~(b) A school district that elects to apply for any of these federal~~
- 5     ~~funds may submit to the department for approval, by the state~~
- 6     ~~board, a single consolidated application for approval or continuance~~
- 7     ~~of those federal categorical programs subject to this part.~~